

Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY—MONDAY, APRIL 7, 2003

The Senate met pursuant to adjournment.

Steelman Stoll Vogel Wheeler
Yeckel—33

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senator DePasco—1

“The fear of the Lord is the beginning of Wisdom.” (Psalm 111:10)

Your Word alone imparts true wisdom, O Lord, and we here find ourselves in need of wisdom as we struggle with the various needs that challenge us. Grant us an informed mind and a purified heart so we may follow Your directing. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 3, 2003, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 481, regarding the One Hundred Fourth Birthday of Hinda Wood, Brookfield, which was adopted.

Senator Klindt offered Senate Resolution No. 482, regarding Lauren Kling, Cameron, which was adopted.

Senator Klindt offered Senate Resolution No. 483, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Bradley, Gallatin, which was adopted.

Senator Klindt offered Senate Resolution No. 484, regarding the Sullivan County Memorial Hospital, Milan, which was adopted.

Senator Klindt offered Senate Resolution No. 485, regarding Sally Frede, Mound City, which was adopted.

Senator Klindt offered Senate Resolution No. 486, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Tipton, Wheeling, which was adopted.

Senator Klindt offered Senate Resolution No. 487, regarding the Fiftieth Wedding Anniversary of

Mr. and Mrs. Drexel Riley, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 488, regarding Father Robert Crider, Plattsburg, which was adopted.

Senator Klindt offered Senate Resolution No. 489, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Sticken, Savannah, which was adopted.

Senator Klindt offered Senate Resolution No. 490, regarding Brian Untiedt, Stanberry, which was adopted.

Senator Cauthorn offered Senate Resolution No. 491, regarding the Eightieth Birthday of Philip Kueckelhan, Fayette, which was adopted.

Senator Shields offered Senate Resolution No. 492, regarding Thomas Watson “Tom” Brandt, Overland Park, Kansas, which was adopted.

Senator Kinder offered Senate Resolution No. 493, regarding John Moten, Jr., St. Louis, which was adopted.

Senator Quick offered Senate Resolution No. 494, regarding Richard Bryan Long, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 495, regarding Joshua Michael Long, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 496, regarding John Cleary, Farley, which was adopted.

Senator Shields offered Senate Resolution No. 497, regarding Brent Dunkel, Weston, which was adopted.

Senator Shields offered Senate Resolution No. 498, regarding Andrew Fisher, Weston, which was adopted.

Senator Kinder offered Senate Resolution No. 499, regarding Organ and Tissue Donor Day at the Capitol, which was adopted.

Senator Nodler offered Senate Resolution No.

500, regarding Natasha Figueroa, Joplin, which was adopted.

Senator Champion offered Senate Resolution No. 501, regarding Bob Chancellor, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 502, regarding Teri Hacker, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 503, regarding DairiConcepts, Incorporated, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 504, regarding Tyler Robert Montileone, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 505, regarding Geoffrey Michael Peterson, Springfield, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 166**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 181**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 277**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on

the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 278**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 292**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 358**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 133**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 99**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 521** begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 314**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 33**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 33** was again taken up.

Senator Bartle assumed the Chair.

Senator Shields assumed the Chair.

At the request of Senator Loudon, **SB 33**, with **SS** (pending), was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Gross moved that **SCR 7**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SS** for **SCR 7**:

SENATE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, the State of Missouri is currently facing a budget crisis and has limited resources for state spending; and

WHEREAS, the General Assembly is a co-equal branch of

state government and is responsible for the appropriation of state funds for various governmental entities; and

WHEREAS, the public expects and requires the General Assembly to ensure that state resources are being used as efficiently and effectively as possible; and

WHEREAS, the General Assembly is responsible for the appropriation of funds to support the operation of the forty-five judicial circuits of this state; and

WHEREAS, the General Assembly has a duty to ensure that funds appropriated to the forty-five judicial circuits are being used efficiently and effectively:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Judicial Resources in Missouri; and

BE IT FURTHER RESOLVED that the Committee shall be composed of two majority members and one minority member of the Senate, to be appointed by the President Pro Tem of the Senate; two majority members and one minority member of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and one appellate judge, one circuit judge, and one associate circuit judge, to be appointed by the chief justice of the supreme court; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the activities of the state's forty-five judicial circuits, including an examination of the caseload of each circuit judge, associate circuit judge, and any commissioner of the circuit, examine any other issues that the committee deems relevant, and make any recommendations for improving the efficiency and effectiveness of the judicial circuits; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations from the Office of State Courts Administrator, any judicial circuit within the state and the Missouri Bar; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its

recommendations and findings to the Missouri General Assembly by January 1, 2004, and the authority of such Committee shall terminate on December 31, 2003; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, the office of the State Courts Administrator, each judicial circuit in the state, and the Missouri Bar Association.

Senator Gross moved that **SS** for **SCR 7** be adopted.

Senator Gross offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Concurrent Resolution No. 7, Page 3, Line 6, by striking the comma “,” immediately after the word “administrator” and insert in lieu thereof the following: “**which office shall supply a copy to**”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SS** for **SCR 7**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCR 7**, as amended by the **SS**, was adopted by the following vote:

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Days	Dolan
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—26		

NAYS—Senators

Bland	Bray	Coleman	Dougherty
Jacob	Quick—6		

Absent—Senator Scott—1

Absent with leave—Senator DePasco—1

Senator Nodler moved that **SCR 13**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 13** was taken up.

Senator Nodler moved that **SCS** for **SCR 13** be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Nodler moved that the vote by which **SCS** for **SCR 13** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Dolan	Mathewson	Quick—4
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Absent with leave—Senator DePasco—1

SCS for **SCR 13** was again taken up.

At the request of Senator Nodler, the motion to adopt **SCS** for **SCR 13** was withdrawn, which placed the concurrent resolution back on the Calendar.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 69**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 69** was again taken up.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 69, Page 1, Section 620.050, Line 4, by striking said line and inserting in lieu thereof the following: “**requirement imposed upon small business through**”; and

Further amend said bill and section, Page 2, Line 16, by inserting after the word “The” as it appears first on said line the following: “**type of**”.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 69, Page 5, Section 620.056, Line 62, by inserting after the end of said line the following:

“**10. The board shall not have authority to:**

(1) Interfere with, modify, prevent or delay an agency or administrative enforcement action;

(2) Intervene in legal actions involving small business and an agency;

(3) Subpoena witnesses to testify, or to produce documents, in hearings conducted by the board; or

(4) Unduly burden the efforts of an agency to promulgate and enact rules and regulations.”

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 69, Page 8, Section 620.062, Line 17, by inserting after the end of said line the following:

“**(3) The small business which committed or allowed the violation has had an administrative penalty or fine previously waived, or previously reduced by more than ten percent, pursuant to subsection 1 of this section;**

(4) The violation results in an injury in fact, including but not limited to, an injury to air, water, or ground;

(5) The violation is deemed by the agency to be egregious;” and in addition thereto, to amend the subsequent subdivision numbers accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 3** was withdrawn.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 69, Page 4, Section 620.056, Line 26, by inserting after the end of said line the following:

“(3) One member who is the chair of the minority business advocacy commission;”; and, in addition thereto, to amend the subsequent subdivision numbers accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 69, Page 8, Section 620.062, Line 17, by inserting after the end of said line the following:

“(3) The small business which committed or allowed the violation has had an administrative penalty or fine previously waived, or previously reduced by more than ten percent, pursuant to subsection 1 of this section;

(4) The violation results in an injury in fact, including but not limited to, an injury to air, water, or ground;

(5) The violation is deemed by the agency to be egregious;” and in addition thereto, to amend the subsequent subdivision numbers accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SCS for SB 69**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS for SB 69**, as amended, was declared perfected and ordered printed.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS for HB 554**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Shields assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 125** and **SB 290**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for SBs 125 and 290, as amended, was again taken up.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 5, Section 393.1006, Line 60, by striking “least amount of pretax revenue among” and inserting in lieu thereof the following: **“average weighted cost of capital based upon”**; and

Further amend said bill and section, page 6, line 88, by inserting immediately after the word “rates” the following: **“subject to subsections 8 and 9 of this section”**; and further amend line 90,

by inserting immediately after the word “rates” the following: “**subject to subsections 8 and 9 of this section**”; and

Further amend said bill, page 8, Section 393.1012, line 7, by inserting immediately after the word “replacements.” the following: “**The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues below the lesser of one million dollars or one-half of one percent of the gas corporation's base revenue level approved by the commission in the gas corporation's most recent general rate proceeding.**”; and

Further amend said bill, page 11, Section 393.1015, lines 57-58, by striking “least amount of pretax revenue among” and inserting in lieu thereof the following: “**average weighted cost of capital based upon**”; and further amend line 85, by inserting immediately after the word “rates” the following: “**subject to subsections 8 and 9 of this section**”; and further amend line 87, by inserting immediately after the word “rates” the following: “**subject to subsections 8 and 9 of this section**”; and

Further amend said bill, page 13, Section 393.1018, line 12, by inserting immediately after the word “agency,” the following: “**the department of natural resources,**”.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“393.310. 1. This section shall only apply to gas corporations as defined in section 386.020, RSMo. This section shall not affect any existing laws and shall only apply to the program established pursuant to this section.

2. As used in this section, the following terms mean:

(1) “Aggregate”, the combination of natural gas supply and transportation services, including storage, requirements of eligible school entities served through a Missouri gas corporation's delivery system;

(2) “Commission”, the Missouri public service commission; and

(3) “Eligible school entity” shall include any seven-director, urban or metropolitan school district as defined pursuant to section 160.011, RSMo, and shall also include, one year after July 11, 2002, and thereafter, any school for elementary or secondary education situated in this state, whether a charter, private, or parochial school or school district.

3. Each Missouri gas corporation shall file with the commission, by August 1, 2002, a set of experimental tariffs applicable the first year to public school districts and applicable to all school districts, whether charter, private, public, or parochial, thereafter.

4. The tariffs required pursuant to subsection 3 of this section shall, at a minimum:

(1) Provide for the aggregate purchasing of natural gas supplies and pipeline transportation services on behalf of eligible school entities in accordance with aggregate purchasing contracts negotiated by and through a not-for-profit school association;

(2) Provide for the resale of such natural gas supplies, including related transportation service costs, to the eligible school entities at the gas corporation's cost of purchasing of such gas supplies and transportation, plus all applicable distribution costs, plus an aggregation and balancing fee to be determined by the commission, not to exceed four-tenths of one cent per therm delivered during the first year; and

(3) Not require telemetry or special metering, except for individual school meters over one

hundred thousand therms annually.

5. The commission may suspend the tariff as required pursuant to subsection 3 of this section for a period ending no later than November 1, 2002, and shall approve such tariffs upon finding that implementation of the aggregation program set forth in such tariffs will not have any negative financial impact on the gas corporation, its other customers or local taxing authorities, and that the aggregation charge is sufficient to generate revenue at least equal to all incremental costs caused by the experimental aggregation program. **Except as may be mutually agreed by the gas corporation and eligible school entities and approved by the commission, such tariffs shall not require eligible school entities to be responsible for pipeline capacity charges for longer than is required by the gas corporation's tariff for large industrial or commercial customers.**

6. The commission shall treat the gas corporation's pipeline capacity costs for associated eligible school entities in the same manner as for large industrial or commercial customers, which shall not be considered a negative financial impact on the gas corporation, its other customers, or local taxing authorities, and the commission may adopt by order such other procedures not inconsistent with this section which the commission determines are reasonable or necessary to administer the experimental program.

7. This section shall terminate June 30, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 12, Section

393.1015, Line 108, by inserting after all of said line the following:

“9. Nothing in this section shall be construed as limiting the authority of the commission to review and consider infrastructure system replacement costs along with other costs during any general rate proceeding of any gas corporation.”; and further amend by renumbering the remaining subsections accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 14, Section 393.1018, Lines 40-42, by striking all of said lines and inserting in lieu thereof the following: **“or is the subject of a new general rate proceeding.”**.

Senator Kennedy moved that the above amendment be adopted.

At the request of Senator Goode, **SB 125** and **SB 290**, with **SCS** and **SA 6** (pending), were placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Nodler moved that **SCR 13**, with **SCS** (pending), be taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SCR 13** was again taken up.

Senator Nodler moved that **SCS** for **SCR 13** be adopted.

Senator Nodler offered **SS** for **SCS** for **SCR 13**:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 13**

Establishing a Subcommittee on Competition and Privatization within the Joint Committee on Legislative Research.

WHEREAS, the current budgetary situation has brought

about a heightened necessity to re-examine the state's expenditures; and

WHEREAS, the state performs many functions which are similarly performed by private industry; and

WHEREAS, certain aspects of state administration and services may be more efficiently served by private involvement; and

WHEREAS, the Joint Committee on Legislative Research is established pursuant to the Constitution to carry out the duties assigned to it by law:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, that we hereby create a Subcommittee on Competition and Privatization within the Joint Committee on Legislative Research; and

BE IT FURTHER RESOLVED, the subcommittee shall identify ways to reduce cost to state government and increase quality of state services to the citizens of this state; and

BE IT FURTHER RESOLVED, the subcommittee shall perform both a competition review and privatization review and make recommendations based on its findings; and

BE IT FURTHER RESOLVED that the Subcommittee herein established shall consist of sixteen members of which four shall be members of the Senate appointed by the President Pro Tem of the Senate of which at least two shall be members of the minority party, four shall be members of the House of Representatives appointed by the Speaker of the House of Representatives of which at least two shall be members of the minority party, four shall be representatives of private businesses appointed by the President Pro Tem of the Senate of which at least two shall be members of the minority party, four shall be representatives of private business appointed by the Speaker of the House of Representatives of which at least two shall be members of the minority party, and the President Pro Tem of the Senate and the Speaker of the House of Representatives shall collaborate to ensure that the membership of the Subcommittee reflects adequate minority and gender representation; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research shall provide the necessary staff resources for the Subcommittee from its own staff, although it may choose to call upon the additional resources of the Senate and House Research offices; and

BE IT FURTHER RESOLVED that the subcommittee is authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective provided herein; and

BE IT FURTHER RESOLVED that within funds available to the committee, it may employ necessary consulting services to assist

in its objectives and provide for reasonable reimbursement of non-legislative members of the committee; and

BE IT FURTHER RESOLVED that the subcommittee shall hold its initial meeting no later than the first Friday after the start of the first September Veto Session of the Ninety-second General Assembly and shall meet at least quarterly thereafter; and

BE IT FURTHER RESOLVED that the subcommittee must deliver its first report to the Governor, General Assembly, the state Auditor, and the Joint Committee on Legislative Research with its findings and recommendations by January 15, 2004 and a second report to the same by December 31, 2004; and

BE IT FURTHER RESOLVED that the subcommittee shall expire at the end of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Joint Committee on Legislative Research.

Senator Nodler moved that **SS** for **SCS** for **SCR 13** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **SCR 13** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Quick Russell—2

Absent with leave—Senators

DePasco Dougherty—2

The President declared the concurrent resolution passed.

On motion of Senator Nodler, title to the concurrent resolution was agreed to.

Senator Nodler moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 2** for **SCS** for **SB 481**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 1, In the Title, Line 4, by inserting after “transportation” the following: “, with an effective date for a certain section”; and

Further amend said bill, Page 12, Section 2, Line 4, by inserting after all of said line the following:

“Section B. The repeal and reenactment of section 144.062 shall become effective July 1, 2005.”.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 288**—Education.

HB 91—Pensions and General Laws.

HCS for **HB 273**—Judiciary and Civil and Criminal Jurisprudence.

HS for **HCS** for **HB 156**—Aging, Families, Mental and Public Health.

HCS for **HB 600**—Ways and Means.

HCS for **HB 431**—Pensions and General

Laws.

HB 375—Economic Development, Tourism and Local Government.

HCS for **HB 222**—Economic Development, Tourism and Local Government.

HS for **HCS** for **HB 228**—Commerce and the Environment.

HS for **HB 197**—Economic Development, Tourism and Local Government.

HCS for **HB 322**—Small Business, Insurance and Industrial Relations.

HCS for **HB 427**—Judiciary and Civil and Criminal Jurisprudence.

HB 430—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 575**—Aging, Families, Mental and Public Health.

HB 599—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 613**—Judiciary and Civil and Criminal Jurisprudence.

RE-REFERRALS

President Pro Tem Kinder re-referred **HB 464** to the Committee on Agriculture, Conservation, Parks and Natural Resources.

President Pro Tem Kinder re-referred **SB 652** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment to office:

Andres Marin Dominguez, Democrat, 1313 Northeast 74th Terrace, Gladstone, Clay County, Missouri 64118, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Mark Kenney, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Timothy J. Fete, 1045 Stone Spring Court, Eureka, St. Louis County, Missouri 63025, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rita B. Hanks, Democrat, 215 North Bridge, Smithville, Clay County, Missouri 64089, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lydia C. Hurst, Republican, 18741 State Highway O, Tarkio, Atchison County, Missouri 64491, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Janet Marriott, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James Adam Marchack, Republican, 1651 Garden Valley Drive, Wildwood, St. Louis County, Missouri 63038, as a member of the Elevator Safety Board, for a term ending June 6, 2006, and until his successor is duly appointed and qualified; vice, Joseph L. Stabler, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mike Morado, Sr., P.O. Box 140161, Kansas City, Jackson County, Missouri 64114, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals

Commission, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William B. Siebenborn, Democrat, 661 Northeast 45th Street, Trenton, Grundy County, Missouri 64683, as a member of the State Milk Board, for a term ending September 28, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Catheryn M. Smith, 1501 Felder Street, Trenton, Grundy County, Missouri 64683, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, William Prince, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kevin W. Snedden, 16311 Ox Bow Drive, Kearney, Clay County, Missouri 64060, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rebecca S. Stith, Democrat, 37 Aberdeen Place, Clayton, St. Louis County, Missouri 63105, as a member of the Public Defender Commission, for a term ending December 30, 2007, and until her successor is duly appointed and qualified; vice, Burton Shostak, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 3, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary E. Updyke, Republican, Rural Route 1, Box 224, Kirksville, Adair County, Missouri 63501, as a member of the State Board of Senior Services, for a term ending August 30, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342**, entitled:

An Act to repeal section 208.565, RSMo, and to enact in lieu thereof two new sections relating to stabilization of income for the elderly, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 380**, entitled:

An Act to repeal sections 409.101, 409.102, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, and 409.421, RSMo, and to enact in lieu thereof fifty-three new sections relating to securities regulation, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 267**,

entitled:

An Act to repeal sections 49.079, 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 49.273, 49.276, 49.278, 67.1775, and 137.082, RSMo, and to enact in lieu thereof seven new sections relating to county commissions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 182**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state grass.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 346 and 174**, entitled:

An Act to repeal sections 105.269, 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, and 169.670, RSMo, and to enact in lieu thereof fifteen new sections relating to the public school retirement system, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 668**, entitled:

An Act to repeal sections 21.795 and 226.030,

RSMo, and to enact in lieu thereof twelve new sections relating to the transportation accountability act, with an expiration date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 506, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Main, Bucklin, which was adopted.

Senator Bartle offered Senate Resolution No. 507, regarding the Farmers Insurance Company, which was adopted.

Senator Bartle offered Senate Resolution No. 508, regarding the death of Honorable James A. Hofman, Weldon Spring, which was adopted.

Senator Steelman offered Senate Resolution No. 509, regarding Johanna Haas, Middletown, which was adopted.

Senator Klindt offered Senate Resolution No. 510, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eddie Young, Mound City, which was adopted.

Senator Dolan offered Senate Resolution No. 511, regarding David M. Doherty, St. Peters, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

April 7, 2003

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Senate Appointment to the Commission for the Missouri Senior Rx Program

Dear Terry:

Pursuant to Section 208.553(2), passed during the 2001 Special Session, I am appointing Senator Bill Foster to the Commission for the Missouri Senior Rx Program to replace Senator Marvin Singleton.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, Heather Muessing, and thirty-four fourth grade students and parents from Mark Twain Elementary School, St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-NINTH DAY—TUESDAY, APRIL 8, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 517, 94,
149, 150 & 342-Portwood

HCS for HB 380
HS for HB 267-Smith (118)

HB 182-May
HCS for HBs 346 & 174

HS for HB 668-Crawford

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 481,
with SCA 1-Dolan

SS for SCS for SB 410-Shields
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 243-Yeckel
2. SBs 361, 103, 156 & 329-Steelman, with SCS
3. SB 28-Gross
4. SB 362-Steelman and Gross
5. SB 184-Bartle and Scott
6. SB 38-Klindt, et al, with SCS
7. SB 241-Yeckel, with SCS
8. SB 476-Jacob
9. SB 460-Loudon
10. SBs 381, 384, 432 & 9-Dolan, with SCS
11. SB 39-Cauthorn, et al, with SCA 1
12. SB 199-Childers, with SCS
13. SB 620-Loudon, et al, with SCS
14. SB 416-Yeckel, with SCS
15. SB 219-Steelman and Yeckel
16. SJR 13-Stoll
17. SB 555-Kinder and Foster, with SCS
18. SB 695-Goode and Russell
19. SB 693-Klindt, et al, with SCS
20. SB 12-Kinder and Scott
21. SBs 248, 100, 118, 233, 247, 341 & 420-Gross, et al, with SCS
22. SB 27-Gibbons, with SCS
23. SB 209-Steelman, et al, with SCS
24. SB 685-Gibbons, et al, with SCS
25. SB 455-Dougherty and Shields
26. SBs 343, 89, 134, 171, 240, 261, 331, 368, 369, 419, 484 & 581-Dolan, with SCS
27. SB 446-Bartle, with SCS
28. SB 242-Yeckel, with SCA 1

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)
(In Fiscal Oversight)
HS for HCS for HB 321-
Wilson (130) (Loudon)
(In Fiscal Oversight)

HCS for HBs 122 & 80
(Bland)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Russell, with SCS, SS for
SCS & SS#2 for SS for SCS
(pending)

SB 5-Caskey, with SCS

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)

SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)

SB 51-Shields, with SS,
SS for SS & SA 1 (pending)

SB 112-Loudon, with SCS

SBs 125 & 290-Goode, with
SCS & SA 6 (pending)

SB 217-Champion and
Clemens, with SS (pending)

SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1
(pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with
SS & point of order (pending)

SB 347-Loudon, et al, with SCS

SB 436-Klindt, with SCS,
SS for SCS & SA 2 (pending)

SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2
(pending)

SBs 556 & 311-Kinder, et al, with
SCS, SS for SCS, SS for SS for
SCS & SA 2 (pending)

Journal

HOUSE BILLS ON THIRD READING

HCS for HB 221, with SCS
(Yeckel)

HB 412-Goodman, et al
(Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/4

SB 468-Bartle

Reported 3/13

SB 159-Bland, with SCS
(In Fiscal Oversight)

SB 694-Klindt
SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166
HCS for HB 181
HCS for HB 277
HB 278-Davis (19) and Parker
HB 292-Wagner

HB 358-Boykins
HCS for HB 133
HB 99-Seigfreid
HB 521-Dethrow, et al, with SCS
HB 314-Engler

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS,
SS for SCS & SA 1 (pending)

SCR 2-Bland
SCR 5-Cauthorn, et al